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EXAMINER

WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,337

Applicant(s)

VAN DER LELY, OLAF

Examiner

Gloria R Weeks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 18 and 36-76 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 18, 33-35, 39-42, 50-57, 59, 61-72 and 76 is/are rejected.
- 7) ☒ Claim(s) 36-38, 43-49, 58, 60 and 73-75 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 18 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 18 not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 18, the phrase "especially" and "such as" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 56-57, 61-63, 65-67, 69, 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Hannen (USPN 5,024,718).

In reference to claim 56, Hannen discloses a method of wrapping a bale (27, 28) composed of an agricultural product, which comprises steps of completely wrapping the bale (27, 28) with a film so that the interior of the film is substantially in continuous contact with the entire surface of the bale (column 1, lines 6-15), and applying identifying information (18) to the film which relates uniquely to the identity of the bale including the manner the bale is wrapped with the film (column 6, lines 29-35).

Regarding claim 57 and its limitations as stated above, Hannen discloses a method of wrapping a bale (27, 28) comprising controlling the applying of identifying information (19) to the film so that the information includes the number of revolutions the bale (27, 28) has been subjected to in order to place the identifying information (18) at the desired location (column 9, lines 23-32).

With respect to claim 61 and its limitations as stated above, Hannen discloses a method of wrapping a bale wherein the identifying information (18) is applied to the film while the bale (27, 28) is relatively at rest (column 1, lines 5-15; column 7, lines 47-53).

In reference to claims 62, 63 and their limitations as stated above, Hannen discloses a method of wrapping a bale wherein the identifying information (18) is applied to the film by an ink-jet or electronic printer (column 6, lines 29-35).

In reference to claim 65 and its limitations as stated above, Hannen discloses a method of wrapping a bale wherein the identifying information is on a self-adhesive label (18), the self-adhesive label fastening to the film of the bale (27, 28; column 7, lines 13-36).

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Regarding claim 66 and its limitations as stated above, Hannen discloses a method of wrapping a bale wherein the identifying information is applied to the film by an adhesive which is not caused to adhere to the film until after a label having the adhesive thereon has been placed on the film (column 7, lines 13-36).

With respect to claim 67 and its limitations as stated above, Hannen discloses a method of wrapping a bale wherein the identifying information is pre-printed on a self-adhesive label (column 6, lines 29-35).

Regarding claim 69 and its limitations as stated above, Hannen discloses a method of wrapping a bale wherein the identifying information is imprinted on labels (18) before being applied to the film (column 6, lines 29-35).

With respect to claim 76, Hannen discloses a method of wrapping a bale composed of an agricultural product which comprises the steps of completely wrapping the bale with a film so that the interior of the film is in substantially continuous contact with the agricultural product (column 1, lines 5-15), and applying identifying information to the film which relates to at least one characteristic consisting of at least one of the following characteristics: the extent of which the bale is wrapped with the film or the location of the bale (column 6, lines 29-35).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1, 18, 33-35, 39-40, 42 and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Pozo, Jr. (USPN 4,248,031) in view of Hannen (USPN 5,024,718).

In reference to claim 1, Del Pozo, Jr. discloses a device for wrapping bodies (88) with a film (90a), but does not disclose means for attaching a label or a print on of information on, at, in or below the film (90a) of the bale (88). Hannen teaches a device for attaching identification such as a label (18) or a print on, at, in or below the film covering the bale (27, 28; column 1, lines 5-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the wrapping device of Del Pozo, Jr. to include the labeling device of Hannen since Hannen discloses the labeling device as a improvement to the art of applying information to wrapped bales (Hannen-column 1, lines 5-15).

With respect to claim 18, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a method for wrapping bodies (88) with a film (90a), wherein the means that are provided for attaching an identification are controlled in dependence on the degree to which the bale (Del Pozo, Jr.-88; Hannen-27, 28) is wrapped with the film (Del Pozo, Jr.-88; Hannen-column 7, lines 47-53; column 9, lines 23-32).

In reference to claim 33, Del Pozo, Jr. discloses a device for wrapping a bale (88) of harvested agricultural produce which comprises wrapping means for wrapping at least one layer of a film of material (90) completely around the bale (88) with the film (90a) having its interior layer in direct contact with substantially the entire outer surface of the bale (88). Del Pozo, Jr. does not disclose means for applying a label to the bale or film. Hannen discloses a device for applying a label to a wrapped bale (27, 28; column 1, lines 5-15) wherein the device automatically applies a label (18) to the film comprising identifying information relating to the

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bale (column 5, lines 53-65; column 6, lines 29-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the wrapping device of Del Pozo, Jr. to include the labeling device of Hannen since Hannen discloses the labeling device as a improvement to the art of applying information to wrapped bales (Hannen-column 1, lines 5-15).

Regarding claim 34 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) wherein the label (Hannen-18) comprises a self-adhesive label (Hannen-column 7, lines 13-36).

With respect to claim 35 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) wherein the label applying means (Hannen-7, 8) comprises a label dispensing unit (Hannen-19) and a pressing element (Hannen-10) for pressing the label (Hannen-18) against the film (Del Pozo, Jr.-90a).

In reference to claim 39 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) which comprises a stand (Del Pozo, Jr.-94; Hannen-1, 24), the wrapping means and the label applying means (7, 8) being arranged on the stand (Del Pozo, Jr.-94; Hannen-1, 24), the label applying means being arranged on the stand in an articulating manner.

With respect to claim 40 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) which comprises a label applying means (Hannen-7, 8), but does not specifically disclose the

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film cutting-and clamping device. However, it would have been obvious at the time the invention was made to include a cutting and clamping means in the device of Del Pozo, Jr. in view of Hannen since it is well known in the art to cut and secure the film used to wrap a bale post wrapping a bale.

Regarding claim 42 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) wherein the label applying means (Hannen-7, 8) comprises a pressing element (Hannen-10) which presses the label (Hannen-18) against the surface of the film (Del Pozo, Jr.-90a) when the bale (Del Pozo, Jr.-88; Hannen-27, 28) when the bale is at least substantially wrapped with the film (Hannen-column 1, lines 5-15).

In reference to claim 50 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) wherein the label applying means comprises label imprinting means consisting of means for printing symbols, or marks or electronically captured data or any combination thereof (Hannen-column 6, lines 29-35).

Regarding claims 51, 52 and their limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) wherein the label applying means comprises a mechanical or electronic pressing device (Hannen-column 3, lines 27-60)

In reference to claim 53 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27,

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28) wherein the label applying means consists of imprinting means for directly applying symbols, marks or electronically captured data to the film (Hannen-column 6, lines 29-35).

Regarding claim 54 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) wherein the label applying means comprises control means for controlling the location that the label is applied to the film (Hannen-column 7, lines 43-53).

With respect to claim 55 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) wherein the wrapping means comprises a sensor that determines the extend that the bale (Del Pozo, Jr.-88; Hannen-27, 28) has been wrapped with the film (Del Pozo, Jr.-90a, column 5, lines 54-68, column 8, lines 37-59).

9. Claims 41 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Pozo, Jr. (USPN 4,248,031) in view of Hannen (USPN 5,024,718) as applied to claim 33 above, and further in view of Nakagawa et al. (USPN 6,370,839).

In reference to claim 41 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) which comprises a device (Hannen-30) for discharging the bale (Del Pozo, Jr.-88; Hannen-27, 28). However, the disclosure of a bale discharge device (102) can be further supported by Nakagawa et al.

In reference to claim 59 and its limitations as stated above, the modified apparatus of Del Pozo, Jr. in view of Hannen discloses a device for wrapping a bale (Del Pozo, Jr.-88; Hannen-27, 28) wherein the applying of identifying information to the film being coordinated with the

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discharging of the bale (Del Pozo, Jr.-88; Hannen-27, 28) from the wrapping station (Hannen-column 1, lines 5-15, column 6, lines 45-56). Although Del Pozo, Jr. does not distinctly disclose a discharge means for the bale (Del Pozo, Jr.-88) from the support surface (Del Pozo, Jr.-72) that supports the bale (Del Pozo, Jr.-88) while being wrapped, it is inherent that there is a means provided to remove the bale (Del Pozo, Jr.-88) from the support surface ((Del Pozo, Jr.-72). This conclusion can be further supported by Nakagawa et al., who discloses a discharge means (102) used to discharge a bale from its location of wrapping.

Allowable Subject Matter

10. Claims 36-38, 43-49, 58, 60 and 73-75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 9:30 am - 8:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 308-7769 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1789.


grw

December 16, 2002

Gloria R Weeks
Examiner
Art Unit 3721



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700